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10 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
11 SACRAMENTO DIVISION

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13 GALINA USHAKOVA,) CASE NO. 2:11-CV-01920-KJN
14)
Plaintiff,) STIPULATION AND ORDER
15 vs.) FOR THE AWARD OF ATTORNEY FEES
16) PURSUANT TO THE EQUAL ACCESS TO
MICHAEL J. ASTRUE,) JUSTICE ACT, 28 U.S.C. § 2412(d)
17 Commissioner of Social Security,)
18 Defendant.)
19)
20)
21)

22 IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel,
23 subject to the approval of the Court, that the previously filed Equal Access to Justice Act (EAJA)
24 application is hereby withdrawn.

25 IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel,
26 subject to the approval of the Court, that Plaintiff be awarded attorney fees under the EAJA in the
27 amount of TWO THOUSAND SEVEN HUNDRED FORTY-TWO dollars and 71 cents (\$2,742.71).
28

1 This amount represents compensation for all legal services rendered on behalf of Plaintiff, to date, by
2 counsel in connection with this civil action, in accordance with 28 U.S.C. § 2412.

3 After the Court issues an order for EAJA fees and expenses to Plaintiff, the government will
4 consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's attorney.
5 Pursuant to Astrue v. Ratliff, 130 S. Ct. 2521 (2010), the ability to honor the assignment will depend
6 on whether the fees and expenses are subject to any offset allowed under the United States
7 Department of the Treasury's Offset Program. After the order for EAJA fees and expenses is entered,
8 the government will determine whether they are subject to any offset.

9 Fees and expenses shall be made payable to Plaintiff, but if the Department of the Treasury
10 determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of
11 fees, expenses and costs to be made directly to Jesse S. Kaplan, pursuant to the assignment executed
12 by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.

13 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney
14 fees and expenses, and does not constitute an admission of liability on the part of Defendant under
15 the EAJA. Payment of the agreed amount shall constitute a complete release from, and bar to, any
16 and all claims that Plaintiff and/or Plaintiff's counsel may have relating to EAJA attorney fees and
17 expenses in connection with this action.

1 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security Act
2 attorney fees under 42 U.S.C. § 406, subject to the offset provisions of the EAJA.

3 Respectfully submitted November 6, 2012

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5 Dated: November 6, 2012

Respectfully submitted,
/s/ Jesse S. Kaplan
(As authorized via email)
JESSE S. KAPLAN
Attorney for Plaintiff

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9 BENJAMIN B. WAGNER
United States Attorney

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11 Date: November 6, 2012

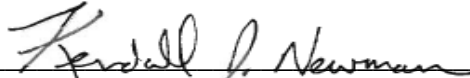
By s/ Daniel P. Talbert
DANIEL P. TALBERT
Special Assistant U. S. Attorney

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13 Attorneys for Defendant Michael J. Astrue
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ORDER

Pursuant to stipulation, it is so ordered.

Date: 11/8/2012


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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